

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

Jamon T. Brim,)	
)	
Plaintiff)	
)	
v.)	Civil No. 5:10-CV-369-IPJ
)	
Dell Financial Services, LLC,)	
Midland Credit Management,)	
Inc., Midland Funding, LLC,)	
)	
Defendants.)	

PLAINTIFF'S MOTION TO COMPEL

COMES NOW the Plaintiff, Jamon T. Brim, and hereby respectfully requests this Honorable Court for an Order compelling the Defendant to answer the Plaintiff's Second Request for Production of Documents filed by the counsel for the Plaintiff, and as grounds therefore states as follows:

1. On September 16, 2010, the Plaintiff took the depositions of Midland Credit Management and Midland Funding in San Diego, California. During these depositions, the Plaintiff learned of several additional documents that were relevant to the Plaintiff's claims. Additionally, the Plaintiff learned that both of the witnesses had previously testified by deposition on behalf of the Defendants.
2. On September 20, 2010, the Plaintiff served its Second Request for Production of Documents on the Defendants via email and U.S. Mail. (A copy is attached hereto as Exhibit A).
3. Thereafter, counsel for the Defendant contacted the Plaintiff regarding these requests and the Defendants' position that any documents from E-Oscar or the CDIA would be the trade secrets of those entities and the Defendants would be precluded from producing same. As a result of that conversation and in an

effort to resolve any discovery disputes without involving the Court, the Plaintiff agreed to withdraw Request 5, and Requests 10 through 13.

4. On October 21, 2010, the Plaintiff's counsel emailed the Defendants's counsel regarding their outstanding discovery responses. The Defendants's counsel then contacted the Plaintiff's counsel stating he was still waiting on a response from his clients.
5. To date, the Defendants have failed to respond in any way to the remaining Requests for Production contained within the Plaintiff's Second Requests for Production.
6. The discovery cutoff in this case is today, October 22, 2010.
7. The deadline for filing dispositive motions is November 10, 2010.

WHEREFORE, the Plaintiff respectfully requests this Court for an Order compelling the Defendants to fully respond to the Plaintiff's Second Request for Production Request 1 through 4, and 6 through 9 within ten days so that the Plaintiff can properly review them prior to the dispositive motions deadline.

/s/ Penny Hays Cauley

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of October, 2010, a true and correct copy of the foregoing MOTION TO COMPEL was electronically filed with the Court using the CM/ECF system which will serve a copy upon the following counsel:

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/s/ Penny Hays Cauley
Penny Hays Cauley